

R030210

**A RESOLUTION TO ADOPT AMENDMENTS TO THE
2009 ZONING ORDINANCE AND 2008 COMPREHENSIVE PLAN (COMMUNITY
AGENDA), NEWTON COUNTY GEORGIA; TO REPEAL CONFLICTING
PROVISIONS; AND FOR OTHER PURPOSES**

WHEREAS, the Board of Commissioners, Newton County, Georgia, adopted the 2009 Zoning Ordinance on February 17, 2009; and

WHEREAS, the Board of Commissioners, Newton County, Georgia, adopted the 2008 Comprehensive Plan (Community Agenda) on February 19, 2008 and amended said Plan by resolution adopted on June 17, 2008; and

WHEREAS, Newton County desires to amend the Zoning Ordinance and Comprehensive Plan (Community Agenda) to provide for a Mixed Use zoning district; and

WHEREAS, Amendments to the Zoning Ordinance and Comprehensive Plan (Community Agenda) were properly advertised and public hearings were held in accordance with the Zoning Procedures Law (O.C.G.A. 36-66-4).

NOW THEREFORE BE IT RESOLVED by the Board of Commissioners, Newton County, Georgia, and it is hereby ordained by the authority of the Constitution of Georgia (1983), Art. IX, Sec. II, Par. I, II and IV, as follows:

Section 1

Newton County does hereby amend the 2009 Zoning Ordinance, Newton County, Georgia as provided in Exhibit "A", attached hereto and incorporated herein by reference thereto.

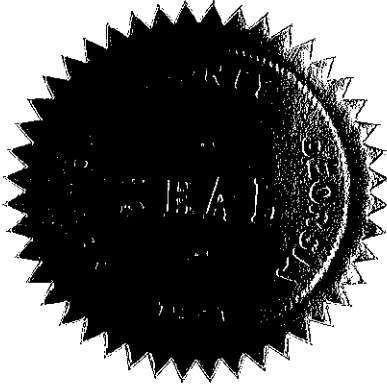
Section 2

Newton County does hereby amend the 2008 Comprehensive Plan (Community Agenda), as provided in Exhibit "B", attached hereto and incorporated herein by reference thereto.

Section 3

All ordinances or regulations or parts thereof in conflict herewith are hereby repealed.

Adopted and approved by the Board of Commissioners on the 2nd day of March, 2010, after a public hearing on said date.



NEWTON COUNTY BOARD OF COMMISSIONERS

By: Kathryn G. Morgan
Kathryn G. Morgan, Chairman

Attest: Jackie Smith
Jackie Smith, Clerk

Recommended for approval and adoption by the Newton County Planning Commission on January 26, 2010, after a public hearing on said date.

Landis Stephens, Chairman
Newton County Planning Commission

EXHIBIT "A"

Amendment One

Sec. 100-060 RELATIONSHIP TO COMPREHENSIVE PLAN – Subsection B.6. is hereby deleted in its entirety and replaced with the following:

6. Mixed Use (MX): If a Mixed Use Zoning District is permissible in an area with a Mixed Use land use designation, only that District shall be allowed within that specified area. In areas where no applicable Mixed Use Zoning District exists, any District other than M2 shall be allowed.

Amendment Two

Sec. 105-020 SPECIFIC DEFINITIONS – the following items are added to this section:

Developable Land. Net land excluding wetlands and 100-year floodplains.

Planned Mixed Use Center. A group of stores, offices or business, occupying distinct and separate spaces, that are open to the public and combine into one building complex on one lot with dedicated access to each such space through a common lobby or directly from the exterior of the complex.

Project. Project means the entire proposed development, regardless of the size of the area of land to be disturbed.

Mixed Use. Mixed-use development is defined as any development which includes, as principal uses on the same parcel, both residential uses and one (1) or more nonresidential uses.

Community Theater. A building or part of a building devoted to showing motion pictures, or for dramatic, musical or live performances, operated as a non-profit or for civic purposes only

Amendment Three

Sec. 420-060 TOTAL IMPERVIOUS SURFACE; MINIMUM LOT SIZE – Subsection A. is hereby amended to add the following sentence at the end of the paragraph:

These impervious surface requirements shall not apply to properties zoned as Highway 278 Mixed Use.

Amendment Four

Sec. 420-060 TOTAL IMPERVIOUS SURFACE; MINIMUM LOT SIZE – Subsection B. is hereby deleted in its entirety and replaced with the following:

B. The minimum lot size for any lot within this District shall be two (2) acres. These minimum lot sizes shall not apply in the designated Development Nodes nor to properties zoned as Highway 278 Mixed Use. Approved Conservation Subdivision Overlay average lot size shall be

two (2) acres.

Amendment Five

Div. 290 HIGHWAY 278 MIXED USE DISTRICT – is hereby added as follows:

DIVISION 290: MU-278 HIGHWAY 278 MIXED USE DISTRICT

Sec. 290-000 APPLICATION OF DISTRICT

- A. The Highway 278 Mixed Use District was initially created as a result of recommendations from the 2006 Livable Centers Initiative Study.
- B. This district may only be applied to properties located in that portion of Newton County bordered to the south by Covington, GA city limits and McGuirt’s Bridge Road and to the north, east and west by Covington, GA city limits, as shown in purple outline on the map entitled “Highway 278 Mixed Use District Area”.
- C. In any case where the standards and requirements of the Mixed Use District conflict with those of Article 5 of the Newton County Zoning Ordinance, the standards and requirements of the Mixed Use District shall govern.

Sec. 290-010 PURPOSE AND INTENT

The purpose and intent of the Mixed Use District is to establish a zoning district classification that promotes the public health, safety, and general welfare by permitting greater flexibility in site planning and building arrangements within the core area of a mixed-use development guided by an overall master plan. The Mixed Use District is intended to promote the following principles:

- A. Provide for a variety of supporting and compatible uses in close proximity to major employment centers;
- B. Provide a clearly defined focal point and center of activity that serves the commercial, civic, social, and recreation needs of the surrounding community within a walkable area;
- C. Provide a network of connected streets with sidewalks and landscaping to facilitate convenient, efficient, and safe movement within the Mixed Use and between the Mixed Use and surrounding neighborhoods and business areas;
- D. Design streets, sidewalks, and buildings to provide an attractive and lively streetscape that encourages pedestrian activity;
- E. Integrate parks, open space, and public space into the Mixed Use;

- F. Use the placement of civic buildings on key sites to create landmarks and a strong sense of place;
- G. Provide adequate public facilities and services; and
- H. Promote quality development of attractive and cohesive design.

Sec. 290-020 PRINCIPAL USES AND STRUCTURES

A. Authorized Uses

The Mixed Use District development may consist of any authorized use or combination of principal uses as authorized in the Use Table below, except that the total of single-family detached dwelling units may not occupy more than thirty percent (30%) of the total developed acreage per permit application.

Sites shall contain a mixture of uses. A single use category (Commercial, Residential, Industrial, Office/Institutional, or Civic) shall occupy no more than 70% of either the gross site acreage (exclusive of open space) or of the gross square footage of total building construction approved for the project.

In buildings with a mixture of residential and non-residential uses, non-residential uses must occupy the ground floor.

B. Conditional Uses

Conditional uses in the Mixed Use District shall be permitted in conformity with the Use Table in Section 290-020 subject to the procedures of the Newton County Zoning Ordinance, Division 625.

C. Use Table

Application of this table shall be in accordance with the following codes (note graphic aids where applicable):

- A – Authorized Use
- AU – Administrative Use Permit
- CU – Conditional Use Permit

Uses in this Table that are not designated as allowed uses, conditional uses, or accessory uses are not allowed unless similar to uses listed in the above table and granted by written interpretation of the Planning Director.

Type of Use	Mixed Use District
Accessory Use, Commercial	A

Accessory Use, Residential	A
Amphitheater/Stadium, Concert Hall, Theater, Civic	CU
Assembly Plant (light assembly, e.g. electronics), Industrial	CU
Automobile Service Station, Commercial	A
Auto Wash, Commercial	A
Bakery, Commercial	A
Bank, Commercial	A
Clothing, Dry Goods, Commercial	A
Convenience Store, Commercial	A
Day Care, Child, Commercial	A
Day Care, Adult, Commercial	A
Department Store, Commercial	A
Discount Store, Commercial	A
Drug Store, Commercial	A
Dry Cleaning, Commercial	A
Dwelling, Group Residence, Residential, 4 or less	A
Dwelling, Group Residence, Commercial, 4 or less	CU
Dwelling, Group Residence, Residential, 5-6	CU
Dwelling, Group Residence, Commercial, 5-6	CU
Dwelling, Group Residence, Commercial, Over 6	CU
Dwelling, Multi-Family, Residential	A
Dwelling, Single-Family Attached, Residential	A
Dwelling, Single-Family Detached, Residential	A
Dwelling, Two-Family, Residential	A
Dwelling, Zero Lot Line (Townhouse), Residential	A
Electric, Petroleum or Gas Substation, Commercial	A
Farmers' Market, Civic	A
Farmers' Market, Commercial	A

Flower Shop, Commercial	A
Health Club, Commercial	A
Home Occupation, Residential	A
Hospital, Office/Institutional	CU
Hotel, Motel, Commercial	A
Ice Cream, Confectionery Shop, Commercial	A
Library, Civic	A
Manufacturing, Heavy, Industrial	
Manufacturing, Light, Industrial	CU
Medical, Dental Laboratory, Office/Institutional	A
Office, Professional, Office/Institutional	A
Office Supply Sales, Service, Office/Institutional	A
Outdoor Recreation, Civic	A
Outdoor Recreation Facilities, Commercial	A
Outdoor Storage, Commercial	A
Park, Private, Civic	A
Parking Lot or Deck, Civic	A
Parking Lot or Deck, Commercial	A
Personal Care Home, , Residential, 4 or less	A
Personal Care Home, Commercial, 4 or less	CU
Personal Care Home, Residential, 5-6	CU
Personal Care Home, Commercial, 5-6	CU
Personal Care Home, Commercial, Over 6	CU
Place of Public Assembly, Office/Institutional	A
Place of Worship, Office/Institutional	AU
Printing Shop, Copy Center, Commercial	A
Produce Stand, Commercial	A
Professional Services,	A

Commercial	
Recreation Center and Club, Private, Commercial	A – See note 1
Restaurant, Drive-Through, Commercial	AU – See Graphic 1 Restaurant Drive Through
Restaurant, Commercial	A
Retail Sales, Commercial	A
School, Private, Office/Institutional	CU
Site Built Home, Residential	A
Site Built Home, Zero Lot Line, Residential	A
Subdivision, Residential	A
Subdivision, Commercial	A
Subdivision, Industrial	
Swimming Pool, Civic	A
Telecommunications Tower, Commercial	CU
Temporary Building, Commercial	CU
Utilities, Structures and Bldgs., Public, Civic	A – See note 2
Warehousing, Industrial, Wholesale. Industrial	

Notes:

1. Private recreation facilities include golf courses, gymnasiums, swimming pools, tennis courts, outdoor play areas, bikeways, walking trails, picnic pavilions, clubhouses, and similar recreation facilities, including accessory uses common to these facilities.
2. Utility structures necessary for the transmission or distribution of service. Private utility facilities necessary for the transmission or distribution of electric power, natural gas, or telephone service. Standard distribution lines shall be placed underground.

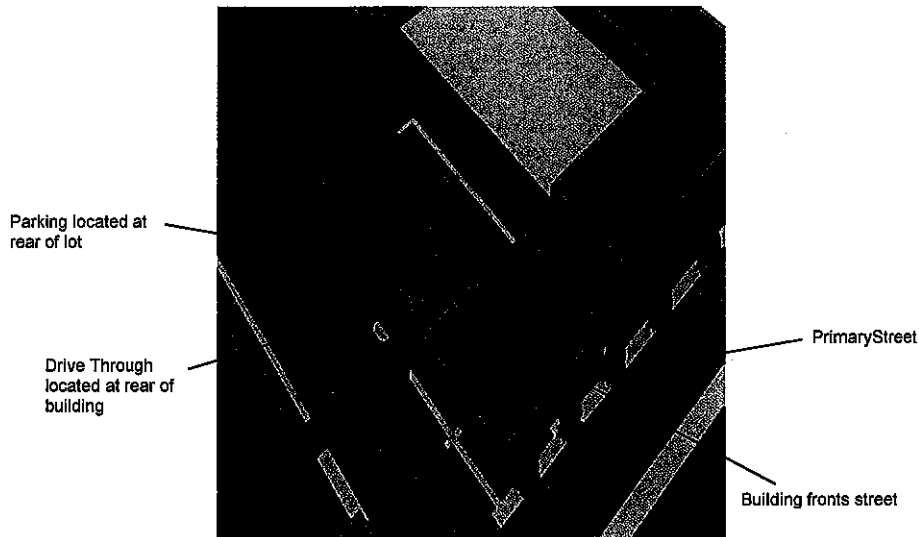
D. Use Standards

1. Unless otherwise noted herein, the use standards contained in Article 5 shall apply.
 - a. For the purposes of this Division, the term “residentially zoned” in Article 5 shall be understood to include “residentially used.”
2. For Automobile Service Station uses, only subsections I., J. and K. of 510-110 shall apply.

3. For Auto Wash uses, only subsections A., B., C., D., and E. of 510-120 shall apply.
4. For Professional Services uses, section 510-547 shall apply.
5. For Telecommunication Tower uses, the following shall apply:
 - a. If the telecommunication tower is to be located within a single-family residential component of the development, the maximum allowable height of the tower shall be 75 feet.
 - b. If the telecommunication tower is to be located within a multi-family residential component of the development, the maximum allowable height of the tower shall be 90 feet.
 - c. For the purposes of section 510-630 F.4., subsection b. shall be applicable.

Graphic 1 – Restaurant Drive Through

Building fronts the street and drive through is located to rear. Parking to be located to the side and rear of the lot. Graphic included for example purposes only. The term “primary street” is used only for the purposes of this graphic.



Sec. 290-030 ACCESSORY USES AND STRUCTURES

Accessory uses and structures shall be permitted in the Mixed Use District in conformity with the Use Table in Section 290-020 subject to Section 510-020 of the Newton County Zoning Ordinance.

A. Accessory dwelling units are permitted in the Mixed Use District in conformity with the Use Table in Section 290-020 subject to Sections 510-020-C and 510-300 (except item E.) of the Newton County Zoning Ordinance in conjunction with single-family detached dwelling units only. No more than one accessory dwelling unit is permitted in conjunction with a single-family dwelling unit.

Sec. 290-040 GENERAL REQUIREMENTS

A. Size of District

The Mixed Use District is intended to be applied to an area that contains no less than one (1) contiguous acre. The Board of Commissioners may approve the application of this District to smaller areas when adequate justification is shown and if the development meets the purpose and intent of this District.

B. Public Streets Required

1. All streets within the Mixed Use District shall be public streets (except for alleys).
2. All public streets must be suitable in design and adequate in capacity to carry the anticipated traffic within the proposed project and the vicinity of the district in conformity with Street Standards in Section 290-060-E.

C. Sidewalk Requirements

Sidewalks are required on both sides of all streets (except for alleys) within developments which are within the Mixed Use District. The location and width of sidewalks shall be established pursuant to the approved Mixed Use District development plan.

D. Curb Cuts

The consolidation of curb cuts shall be required and new curb cuts shall be discouraged whenever appropriate, considering safe traffic flow, the objectives of this District, and access points needed for the proper functioning of the use. A traffic study shall be required and approval of the County Engineer and Georgia Department of Transportation obtained for any new curb cuts on Highway 278. For parcels that abut Highway 278, side streets are encouraged. New curb cuts on McGuirt's Bridge Road are discouraged.

E. Access Management

Inter-parcel access, joint driveways, cross-access drives, and access easements shall be consistent with Section 605-100 of Newton County Development Regulations.

F. Traffic Signals

Traffic signals shall be installed whenever feasible where curb cuts or new roads are connected to Highway 278, subject to submittal of a Signal Warrant Analysis and a traffic study and review and approval of the County Engineer and Georgia Department of Transportation.

Sec. 290-050 DEVELOPMENT STANDARDS

The following standards shall apply to each application for the Mixed Use District classification:

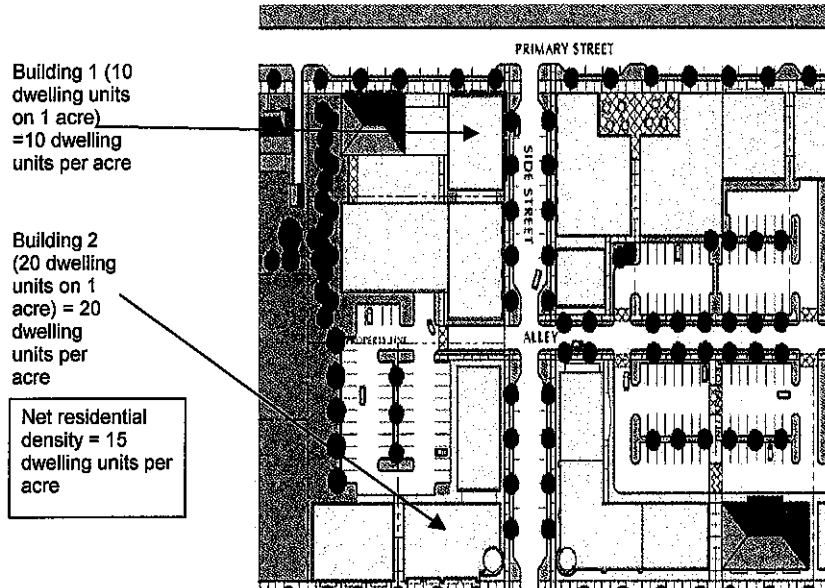
A. Density

Net residential density within the Mixed Use District may not exceed Twenty (20) units per acre of developable land less land devoted to open space with maximum bonuses, as calculated based on the sum of all dwelling units and the total development acreage under common ownership, including multiple lots or blocks, but not rail lines or public streets. Thus, individual buildings may exceed the maximum net residential density as long as the

total developed acreage does not exceed the maximum net residential density. (See Graphic 2 –Net Residential Density):

Graphic 2 –Net Residential Density

Individual buildings may exceed the maximum net residential density as long as the total developed acreage does not exceed the maximum net residential density. (Graphic included for example purposes only). The terms “side street” and “primary street” are used only for the purposes of this graphic.



Max. Density on Developable Land Less Land Devoted to Open Space	Open Space Minimum of Total Development (Including Bonuses)
10 du/ac	30% Open Space Required
15 du/ac	40% Open Space Required
20 du/ac	50% Open Space Required

B. Development Standards

Overall Project Standards

SPACE DIMENSIONS TABLE	Mixed Use District Standards
Building Coverage (Max % of lot area)	50%
Open Space (min % of lot area)	30%

Open Space (min % with max bonuses)	50%
Impervious Surface (% of lot area max)	70%

Building Standards

Building Height (max in height and floors)	60' and 4 floors ¹
Dwelling Heated Square Footage, minimum	650
Dwelling, Heated Square Footage, average	1,000
Lot Area (min in sq. ft.)	N/A
Lot Width (min in ft)	N/A
Side Yard (min in ft)	3'
Rear Yard (min in ft.)	5' if there will be alleys, 10' if no alley
Front Yard (min in ft.)	N/A

¹Stand alone hotels may be a maximum of 75 feet and 5 floors in height.

C. Phasing of Projects.

- a. Development of the Mixed Use District may be phased.

Where a project is to be phased, a plan must be submitted showing the distribution of all required parking spaces, open space, landscaping and utilities amongst the phases. Alternatively, all required parking spaces, open space, landscaping and utilities may be constructed in the first phase.

Sec. 290-060 DESIGN STANDARDS

The following design and developments standards shall apply to the Mixed Use District:

A. Buildings

1. All buildings shall be oriented to front the street or open space. All building exteriors with frontage on public streets shall have similar architectural features (such as windows, façade offsets, columns and arcades), building materials, and roof lines as the front. Screening in the form of fencing, landscaping or berms may be required if mechanical features are visible. Elevations of all sides shall be part

of building permit application. For purposes of this section, an alley shall not be considered a street.

2. Display windows shall be street-facing and at street level.
3. All primary entrances shall face open space or be street-facing and at street level.
4. Any nonresidential building facade shall have a minimum of 25 percent fenestration or as may be approved by the Director of Planning.
5. No exterior wall or façade of any metal building visible from any public street shall have the appearance of a metal building. Such exterior walls and facades shall be brick, glass, wood, stucco, stone or cement-based siding.
6. Delineation of building floors at the third story above sidewalk level and lower shall be executed through windows, belt courses, cornice lines or similar architectural detailing.
7. No barbed wire, razor wire, chain link fence or similar elements shall be visible from any public plaza, ground level or sidewalk level outdoor dining area or public right-of-way.
8. Drive-through service windows, drive-in facilities, drives and surface parking facilities shall not be located between a building and the street.

B. Residential uses.

1. All residential structures shall be oriented to front the street or open space. All building exteriors with frontage on public streets shall have similar architectural features (such as windows, façade offsets, columns and arcades), building materials, and roof lines as the front. Screening in the form of fencing, landscaping or berms may be required if mechanical features are visible. Elevations of all sides shall be part of building permit application. For purposes of this section, an alley shall not be considered a street.
2. A street-facing door (excluding garage door) for each unit is required.
3. No front-loaded, attached garage shall protrude beyond the front facade of a building. Front loaded, attached garages shall have a 15' minimum setback from the required sidewalk.
4. Fence height shall not exceed four feet in the front yard and six feet in the rear and side yards.

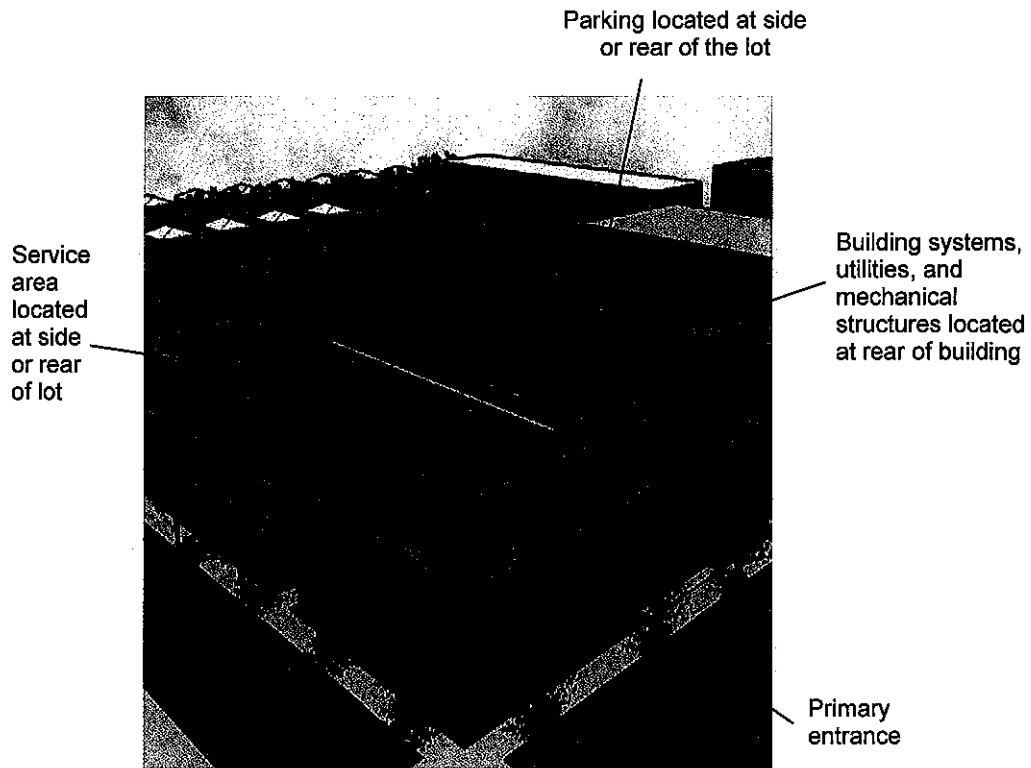
5. Front yard fences shall be non-opaque. Opaque fences are permitted in side and rear yards. Chain link fences (black or green vinyl-coated only) are permitted in rear yards only.

C. Gasoline service stations.

1. Fuel pumps, canopies and associated gasoline station service areas shall be located at the side or rear of the lot, and not between the building and the street. The primary entrance to the building shall face the street and parking shall be located at the side or rear of the lot. Utilities and mechanical structures shall not be visible from the public right of way. (See Graphic 3 – Gasoline Service Station).
2. Gasoline fuel dispenser structures and associated vehicular services such as air pumps and car washes shall not be located between a building and the street.

Graphic 3 – Gasoline Service Station

Gasoline Service Station entrance shall face the street. Service areas shall be located at the side or rear of the lot, and not between the building and the street. Parking shall be located at the side or rear of the lot. Utilities and mechanical structures shall not be visible from the public right of way. (Graphic included for example purposes only)



D. Parking.

1. Off-Street Parking Spaces

- i. All off-street parking for non-residential buildings, townhouses, and multi-family buildings shall be located to the side or rear. On-street parking in front is allowable.
- ii. A minimum of 75 percent of the surface parking spaces shall be located at the rear of the building.
- iii. The total number of permitted parking spaces shall be at least a minimum of 50% of (but not exceed 110% of) the minimum number of off-street parking spaces required by type of permitted uses pursuant to Off Street Parking Requirements Table in Sec. 515-020. The minimum parking spaces required by Section 515-020 shall not apply within the Mixed Use District. The Board of Commissioners may approve less than the minimum amount of spaces required by this section if a parking demand study is provided, conducted by a licensed professional traffic engineer, indicating a lesser number of spaces will be adequate for the development and uses. The parking demand study may factor in alternative modes of transportation such as adjacent trails, bicycle spaces, etc.
- iv. When surface parking located to the rear is along a (side) street right-of-way, the parking may occur along such frontage for a maximum of 120 linear feet.

2. Screening

- i. When surface parking abuts a street right-of-way, a minimum five-foot wide landscape area shall screen the parking. Curb stops shall be required where parking is adjacent to landscaping. Within the landscape area, a continuous planting of evergreen shrubs is to be installed at a minimum height of two feet and maintained to a maximum height of three feet. Walls of the same height are also permitted with appropriate pedestrian access to the primary entrance.

3. Access lanes and Curb cuts

- i. Access lanes and additional curb cuts (other than the primary access drive) shall be located to the side or rear of the property. The maximum width of the access lane and/or driveway is 20 feet.

4. Parking Decks

- i. Parking decks fronting on a public street must include a minimum of twenty-five (25) percent of the entire structure total footprint as non residential occupied space at ground level. A minimum five-foot wide landscape area shall be required where parking deck abuts a street right-of-way.
- ii. Decks shall be constructed to conceal vehicles on street level.
- iii. Decks shall include architectural detailing and finish compatible with surrounding buildings.

5. Bicycle Parking

- i. Non-residential and Multi Family Residential developments shall provide a minimum of 10 parking spaces per 25 dwelling units and 1 parking space per 4,000 square feet of non-residential building space for bicycles.

6. Loading Areas

- i. Loading areas shall be located in the rear or side yards.

7. On Street Parking

- i. On-street parking shall not be allowed within 12 feet of any intersection.
- ii. On-street parking shall not interfere with designated bicycle lanes.

E. Streets standards

TABLE INSET:

Design Element	Community Boulevard (major thoroughfare)	Community Avenue (collector)	Community Street (minor street)	Community Lane (service drive, access)	Private Alley
Minimum right-of-way (feet)	60'	50'	40'	20'	20'
Maximum right-of-way (feet)	74'	74'	59'	22'	20'
Number of lanes	2--4	2--4	2	2--1	2--1
Travel lane width	11--12'	11'	10--11'	10'	8--10'

On-street parking allowed	Yes	Yes	Yes	Yes	No
Minimum parking lane width	8'	8'	8'	--	--
Minimum sidewalk width	10' (or 5' in single-family areas)	8' (or 5' in single-family areas)	5'	--	--
Bicycle lane allowed	Yes	Yes	Yes	--	--
Minimum bicycle lane width	5'	5'	5'	--	--
Planting area allowed	Yes	Yes	Yes	--	--
Minimum width of planting strip from back of curb to sidewalk	5'	5'	5'		
Median allowed	Yes	Yes	No	--	--
Cul-de-sacs are prohibited unless approved by the Director of Planning.					

F. Block standards.

1. Non-residential developments with more than 600 feet of frontage along a single street shall be divided by streets into blocks having a maximum length of 600 feet as measured from street curb to street curb.
2. Any block exceeding 400 feet in length shall include a dedicated alley or lane providing through access.

G. Bridges.

1. Bridges shall provide pedestrian and bicycle access through dedicated sidewalks and bicycle lanes.
2. Bridges shall contain architectural elements compatible with the surrounding area.

H. Landscaping.

1. Street trees shall be planted at a maximum of 50' on center between the curb and sidewalk on both sides of all roadways except alleys and lanes in conformity with list provided in Sec. 285-060-I (3). Trees shall require a minimum of 250 square feet of contiguous rooting space per tree, and have a minimum of 2" caliper. Sidewalks may bridge planting area.
2. All landscaped areas shall have soil amended with organic material and 6" of topsoil returned or added to the planting area prior to planting. Amendments, lime and fertilizer rates shall be determined by a soil test conducted prior to planting.
3. A minimum five-foot wide landscape area shall be provided along all roadways, except alleys and lanes and along greenways, subject to the approval of the Director of Planning.

I. Utilities

1. All utilities shall be located underground.

J. Screening

1. All dumpsters shall be enclosed with a wall of equal or greater height on three (3) sides, the material of which shall be similar to the material on the outside of the main building.
2. Dumpsters shall be placed in the rear yard and may be located five (5) feet from the property line if the adjoining property is zoned non-residential and five (5) feet from all applicable buffers if the adjoining property is zoned residential.
3. Loading areas shall not face any public street.
4. Loading dock entrances for non-residential uses shall be screened so that loading docks and related activity are not visible from the public right-of-way.
5. Loading and dumping activities located within one hundred and fifty (150) feet of a single-family residential property shall only be permitted to undertake said activities during normal business hours (7am—10pm).
6. Accessory mechanical systems and features including air and heating systems shall not be visible from the public right-of-way.

K. Multi-Family and Non-Residential Building Scale

1. Discontinuous building massing: Every building shall reduce its perceived height and bulk by dividing the building mass into smaller scale components. Building

walls exceeding one hundred (100) continuous horizontal linear feet shall utilize offsets, such as projections, recesses, and changes in floor level, to add architectural interest and variety, and to relieve the negative effect of a simple long wall.

2. Variation in building silhouettes: Variation in the roofline of buildings and offsets in pitched roofs and gables shall be required. Parapets in building masses exceeding one hundred (100) continuous linear feet shall be varied in height and projection and shall use decorative elements such as crown moldings, dental, brick soldier courses, or similar detail.
3. Building step backs: Buildings in excess of fifty (50) feet in height shall be required to step back that portion of the building greater than fifty (50) feet in height a minimum linear distance of ten (10) feet away from the building façade located below the fifty (50) foot height plane.

L. Storefront Requirements

1. Ground-floor non-residential and non-civic uses shall provide said uses for a minimum depth of twenty (20) feet from any building façade along the public sidewalk.
2. The length of façade without intervening fenestration or entryway shall not exceed twenty (20) feet.
3. Fenestration shall be provided for a minimum of sixty-five (65) percent of the length of all street frontages.
4. Fenestration shall not utilize painted glass, reflective glass or other similarly treated or opaque windows. Entrances may be counted towards fenestration requirements.

M. Signage

Unless otherwise noted in this subsection, the standards and procedures in Division 525 of the Newton County Zoning Ordinance shall apply for all signs located within the Mixed Use district.

1. Permitted Signs
 - i. Weekend Signs
 - ii. Election Cycle Signs (in accordance with Section 525-025 H.)
2. Signs Permitted for Individual Uses
 - i. Ground Signs

1. One sign structure per road frontage per lot of up to one hundred twenty (120) square feet per sign face, with an aggregate total of all signage not to exceed two hundred forty (240) square feet and with a maximum height of fifteen (15) feet and a minimum setback of ten (10) feet. If the lot contains a principal building over sixty-five thousand (65,000) square feet, the maximum area per sign shall be two hundred (200) square feet per face, with an aggregate total area of all signage not to exceed four hundred (400) square feet.
2. In addition to the signs permitted in the immediately preceding paragraph 1., one double face sign per lot of up to sixteen (16) square feet per face with a maximum height of eight feet and minimum setback of ten (10) feet is permitted.
 - ii. Window Signs. Total signage not to exceed twenty-five (25) percent of the area of windows facing road frontage.
 - iii. Wall Signs. One sign per building elevation of up to ten (10) percent of the total area of the building face, with an aggregate total of all signs not to exceed one hundred (100) square feet. If the lot contains a principal building that has over sixty-five thousand (65,000) gross square feet of building space, the aggregate total area of all signs shall not exceed two hundred (200) square feet.
3. Signs Permitted for Planned Mixed Use Centers
 - i. Ground Signs. One sign structure per road frontage per lot of up to one hundred twenty (120) square feet per sign face, with an aggregate total of all signage not to exceed two hundred forty (240) square feet and with a maximum height of thirty-five (35) feet and a minimum setback of ten (10) feet. If the lot contains a principal building over sixty-five thousand (65,000) square feet, the maximum area per sign shall be two hundred (200) square feet per face, with an aggregate total area of all signage not to exceed four hundred (400) square feet.
 - ii. Window Signs. Total signage per business not to exceed twenty-five (25) percent of the area of windows facing road frontage.
 - iii. Wall Signs. Total area of all signs is not to exceed five percent of the gross floor area. No more than four signs per business are permitted and no sign shall exceed two hundred (200) square feet.

Sec. 290-070 OPEN SPACE STANDARDS

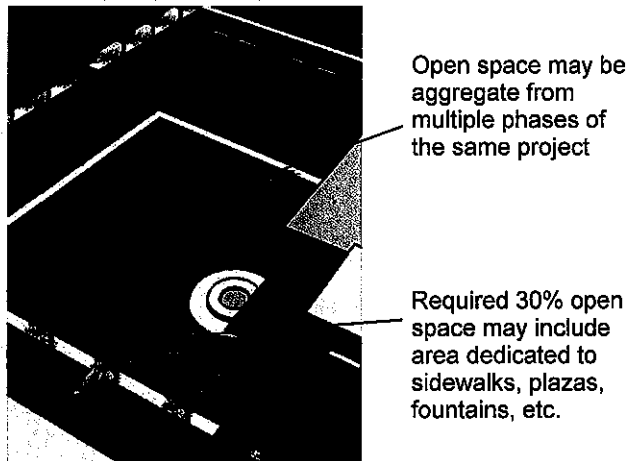
Open Space area shall be provided according to the following standards:

- A. At least thirty percent (30%) of the gross project acreage (excluding 100-year floodplain and wetland areas) shall be designated on a recorded plat as permanent open space for the use of the residents and visitors to the development. No more than twenty-five percent (25%) of this requirement may be satisfied by use of the credits in items B. and C. below.

- B. Sidewalks and associated amenities (including bicycle parking areas) may be credited toward the aggregate total open space area calculations if the streetscape is enhanced with decorative, commercial quality street furniture, fountains, planters, public seating and/or similar improvements (subject to review of streetscape design by the Department of Planning). See Graphic 4 – Aggregate Total Open Space

Graphic 4 – Aggregate Total Open Space

Sidewalks and associated amenities may be credited toward the total open space area requirements. (Graphic included for example purposes only)



- C. Landscaped strips along internal or external streets may be credited toward open space area calculations if the landscaped strip is constructed at a continuous width of 25-feet or greater.
- D. Wetland and floodplain areas shall be preserved in their natural state. Such areas cannot be included as open space.
- E. Stormwater facilities may be located within open space if designed and improved as an amenity, subject to review and approval of the Director of Planning.
- F. Open space areas are encouraged to be distributed throughout the project to provide linkages, amenities and visual appeal for the development, particularly in larger projects. Final open space area design shall include provision of at least one centrally located public gathering area (with related amenities and improvements, which shall include provision of adequate public restroom facilities as approved by the Planning Director) in the form of a town green, amphitheater, landscaped plaza, or similar approved element as appropriate to size of development.
- G. All open space including buffers, setbacks, sidewalk clear zones, sidewalk zones and public spaces shall be fully implemented prior to occupancy and if not completed, the occupancy permit shall not be issued.

Sec. 290-080 OWNERSHIP, MAINTENANCE, AND CONTROL OF OPEN SPACE

Common open space within a development shall be owned, administered, and maintained by any of the following methods, either individually or in combination, and subject to approval by the County:

A. Property Owner's/Homeowner's Association

The open space and associated facilities may be held in ownership by a homeowners' association established in accordance with the laws of the State of Georgia. The association shall be formed and operated under the following additional provisions:

1. The developer shall provide a description of the association, including its bylaws and methods for maintaining the open space.
2. The association shall be organized by the developer and shall be operated by the developer until the sale of two-thirds of the lots within the development.
3. Membership in the association is mandatory for all purchasers of property and their successors.
4. The association shall be responsible for maintenance, insurance and taxes on open space, enforceable by liens placed by the County on the association. The association may place liens on the homes or house lots of its members who fail to pay their association dues in a timely manner. Such liens may require the imposition of penalty and interest charges.
5. The association shall continually maintain the open space. The members of the association shall share equitably the cost of maintaining and developing such open space. Shares shall be defined within the association by-laws. "Maintaining" the open space shall specifically include the elimination of plants identified as "noxious" or "undesirable" by the State, such as poison ivy, kudzu and privet.
6. In the event of a proposed transfer of open space land by the homeowners' association, notice of such action shall be given to all property owners within the development.
7. The purposes of district shall be enforced and the property protected in perpetuity by a conservation easement in favor of Newton County.

B. Private Conservation Organization

An owner may transfer easements of the open space to a private, nonprofit organization, among whose purposes it is to conserve open space, provided that:

1. The organization is a bona-fide conservation organization with perpetual existence approved in advance by the County.
2. The conveyance contains appropriate provisions for proper reversion or retransfer in the event that the organization becomes unwilling or unable to continue carrying out its functions; and
3. A maintenance agreement acceptable to the County is entered into by the developer and the organization.

C. Ownership by the Property Owners of the Subdivision in Common

1. Subject to restrictive covenants limiting the use of open space area to the permitted uses, an owner may transfer undivided fee simple ownership to all the residents of the subdivision.
2. Ownership of the open space shall be mandatory for all purchasers of property and their successors.
3. Each of the residents shall have the right to use and maintain the open space.
4. The purposes of the district shall be enforced and the property protected in perpetuity by a conservation easement in favor of Newton County.

Sec. 290-090 BUFFER STANDARDS

A. A planted or natural vegetated buffer strip is required to protect single-family and multiple-family residential zoning districts from negative impacts such as litter, dust, wind, light spill, noise, unsightly views, and other characteristics commonly associated with non-residential land uses and related vehicular and pedestrian traffic which adversely impact the quality of residential life. Turf grass shall not be considered as an appropriate buffer material.

B. Buffers shall be required in the Mixed Use District as provided in the below Buffer Specification Table

Mixed use District	Residential District	Commercial District	Industrial District
Residential Uses	N/A	20'	40'
Commercial Uses	20'	N/A	N/A
Industrial Uses	40'	N/A	N/A

- C. Plantings. Buffers shall contain a minimum of seventy-five (75%) percent of evergreen plant materials comprised of diverse array of plant species and no plant species may account for more than 15% of the plant material for the particular categories of canopy shade tree, understory tree, shrub, groundcover and a maximum of twenty-five (25%) percent of deciduous plant materials. One (1) tree shall be planted for every fifty (50) linear feet of buffer area.
- D. In those instances where the existing natural vegetation and topography are insufficient to achieve the desired level of screening as required by this Section, a planted buffer shall be provided and shall consist of plant material of such growth characteristics as will provide an opaque acoustical and visual screen having a height of not less than four (4) feet at the time of planting and planted in a minimum of two (2) rows with staggered on center spacing such that a continuous opaque screen is created within two (2) years of planting.
- E. Required buffer strips shall be established and maintained in perpetuity by the owner(s) of the non-residential land use within the Mixed Use District.
- F. The required buffer strip shall not be disturbed by grading, property improvements or construction activities except where necessary to prevent a nuisance, to thin such natural growth where too dense to permit normal growth, to remove diseased, misshapen, or dangerous and decayed timbers, or any similar County approved enhancement. Any contemplated disturbance shall first be brought to the attention of the County Planning & Development Department and formal approval of a permit secured prior to initiating activity within the required buffer areas.
- G. Buffers shall be provided in accordance with the approved plan prior to issuance of a Certificate of Occupancy.
- H. Buffers shall be prohibited from being used for temporary or permanent parking or loading.
- I. The required buffer strip shall be permitted to be included in the minimum yard area as specified in the appropriate zoning district.

Sec. 290-100 ADDITIONAL REQUIREMENTS FOR REZONING AND PRELIMINARY PLAT APPLICATIONS

In addition to the requirements for a rezoning or preliminary plat application as contained in the Newton County Zoning Ordinance or the Newton County Development Regulations, such applications shall also include a Master Plan with the following elements:

- a. General location, in conceptual form, of proposed uses and housing types.
- b. Approximate areas and development density for each type of proposed use.

c. Identification of site access points and layout, width of right-of-way and paved sections of all internal streets.



All data provided by sold or listed for informational planning purposes only and may not be relied upon as evidence of the location of property lines, topographical features, landmarks, monuments or for any other legal purposes.

Highway 278 Mixed Use District Area Map



EXHIBIT "B"

Amendment One

Sec. IV FUTURE LAND USE PLAN – The table entitled "Future Land Use Categories and Definitions" is hereby deleted in its entirety and replaced with the following:

Future Land Use Categories and Definitions

Future Land Use Category	Definition
Agriculture/Forestry (AF)	These are lands which will retain their rural character during the planning period. This includes all land used for agricultural purposes, such as cropland, livestock production, and commercial timber. This category may also include farm houses or single-family homes on 10 acres or more. Corresponding Zoning District: Agriculture (A).
Rural Residential (RR)	A single-family house on 2 or more acres of land. Some hobby farming may be taking place on the property. Corresponding Zoning Districts: A, RE, A-R (with 2 acre minimum)
Residential (RES)	Conventional residential subdivisions as well as conservation subdivision, with supportive recreational amenities and small-scale public institutional uses. Lots sizes range from 15,000 to 51,000 square feet (sf) (less than 3 units per acre, 25,500 sf lot most common) Corresponding Zoning Districts: AR, R1, R2, R3, MSR, MHS.
High Density Residential (HDR)	Apartments, town homes, or duplexes on lots of 15,000 to 80,000 sf (up to 8 units per acre). Corresponding Zoning Districts: DR, RMF, MHP, Zero Lot Line Development.
Commercial (COM)	Property where business and trade are conducted; includes retail stores, shopping centers, and office buildings. Corresponding Zoning Districts: CN, CH, CG, OI.
Mixed Use (MX)	Allows a variety of commercial, residential, and civic uses typically found in a village, tied together with good street and pedestrian connectivity. Could be the core of a future development node. Corresponding Zoning Districts: If a Mixed Use Zoning District is permissible in an area with a Mixed Use land use designation, only that District shall be allowed within that specified area. In areas where no applicable Mixed Use Zoning District exists, any District other than M2 shall be allowed.
Development node (DN)	A Mixed-use development that must be part of a BOC adopted Master Plan. Corresponding Zoning Districts: All Districts
Industrial (IND)	Property used for warehousing, distribution, trucking and manufacturing. Corresponding Zoning Districts: M-1 and M-2.
Public/ Institutional (PI)	Areas used for local government's community facilities, general government, and institutional land uses. Examples include schools, city halls, county courthouses, health facilities, churches, libraries and police and fire stations. Corresponding Zoning Districts: All Districts
Transportation/ Communications/ Utilities (TCU)	Areas used for transportation, communication or utility related activities, such as power generation plants, sewage and water treatment facilities, landfills, railroad facilities, radio towers, public transit stations, telephone switching stations, airports, port facilities, or similar uses. Corresponding Zoning Districts: All Districts

Future Land Use Categories and Definitions

Future Land Use Category	Definition
Park/Recreation/Conservation (PRC)	Areas developed or proposed to be developed for park or recreation use or are designated as open space. Includes Public Parks, Private Recreation areas, lands held for Conservation, and Floodplain. Corresponding Zoning Districts: All Districts
Road Right-of-Way (ROW)	Land dedicated to road right-of-way, a form of TCU. Corresponding Zoning Districts: All Districts.